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FEB 08 2006

In re Application of:
Satoshi Hoshino
Application Serial No.: 09/895,173
Filed: July 2, 2001
For: **ELECTRONIC JOURNAL PREPARATION
SYSTEM AND ELECTRONIC JOURNAL
PREPARATION METHOD**

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600
Letter of Clarification

This is a letter of clarification regarding the decision mailed November 29, 2005 regarding applicant's petition filed November 10, 2005 and re-filed on November 17, 2005, pursuant to 37 CFR § 1.181 regarding a Notice of Improper Request for Continued Examination (RCE).

Petitioner's comments are well taken. The November 29, 2005 decision indicated that the first response to the final Office action of May 17, 2005 did not constitute a proper submission in accordance with MPEP §706.07(h)(III)(D) given that the August 8, 2005 submission had been considered by the examiner and did not place the application in condition for allowance. Therefore, the August 8, 2005 submission was considered to have been an entered amendment. It was further indicated in the decision mailed November 29, 2005 that the second response to the final Office action of May 17, 2005 did constitute a proper submission and thus the petition to have the Notice of Improper Request for Continued Examination withdrawn, was granted.

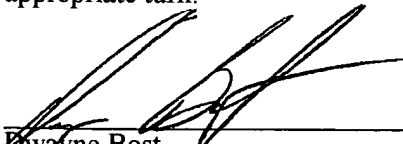
However, as pointed out by the petitioner, MPEP §706.07(h) Request for Continued Examination (RCE) Practice, states in part:

II. SUBMISSION REQUIREMENT

A "submission" as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c)...The submission, however, may consist of the arguments in a previously filed appeal brief or reply brief, or may simply consist of a statement that incorporates by reference the arguments in a previously filed appeal brief or reply brief. In addition, a previously filed amendment after final (whether or not entered) may satisfy this submission requirement. [emphasis added]

In light of MPEP §706.07(h) excerpted above, applicant's response of August 8, 2005 would constitute a proper response and would satisfy the submission requirement for an RCE.

As indicated in the November 29, 2005 decision the August 31, 2005 submission did not contain a complete listing of claims given the submission of a partial claim 7. However, the examiner will address this issue when reviewing the application. The file will be forwarded to the examiner for action in appropriate turn.


Dwayne Bost
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